

<p>This Opinion is Not a Precedent of the TTAB</p>
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Mailed: February 27, 2023

UNITED STATES PATENT AND TRADEMARK OFFICE

Trademark Trial and Appeal Board

In re Matthew A. Handal

Serial No. 90340590

Matthew A. Handal, pro se.

Kapil K. Bhanot, Trademark Examining Attorney, Law Office 108,
Kathryn E. Coward, Managing Attorney.

By the Board:

This Board appeal includes a refusal under Section 2(c) of the Lanham Act, 15 U.S.C. § 1052(c), on the ground that the applied-for mark comprises the name of a particular living individual without that person's written consent. The U.S. Court of Appeals for the Federal Circuit, in *In re Elster*, 26 F.4th 1328, 2022 USPQ2d 195 (Fed. Cir. 2022), held that the Office's application of Section 2(c) was unconstitutional. On January 27, 2023, the Office filed a petition for a writ of certiorari with the U.S. Supreme Court seeking review of the decision in *In re Elster*. The final decision in *In re Elster*, or of the appeal thereof may have a bearing on this present proceeding. In the interest of judicial economy, and consistent with the

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Board's inherent authority to manage its proceedings, suspension is appropriate. *Cf.* TBMP Section 1213. See also Trademark Examination Guide 1-23 at <https://www.uspto.gov/sites/default/files/documents/TM-ExamGuide-1-23.pdf>.

Accordingly, this Board proceeding is hereby suspended pending any decision by the Supreme Court that finally resolves the issues in that case.